



Paper No. 13

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OFFICE OF PETITIONS

In re Application of
Seo, et al.
Application No. 09/816,599
Filed: March 23, 2001
Attorney Docket No. AB-1111 US
Title: SEMICONDUCTOR PACKAGE
INCLUDING STACKED CHIPS

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:
DECISION WITHDRAWING THE
:
HOLDING OF ABANDONMENT,
:
NOTING JOINDER OF
:
INVENTOR, AND PETITION
:
UNDER 37 CFR 1.47(a) MOOT
:

This is in response to the "Request for Reconsideration of
Petition Under 37 CFR 1.47(a)", filed February 19, 2002, under 37
CFR 1.47(a).¹

The above-identified application was filed on March 23, 2001. On
June 19, 2001, petitioner was mailed a "Notice to File Missing
Parts of Nonprovisional Application - Filing Date Granted,"
requiring an executed oath or declaration and a surcharge for its
late filing. This Notice set a two-month period for reply.

In reply, petitioner filed a petition under 37 CFR 1.47(a) and
paid the surcharge for late filing of the declaration. To make
timely this reply, applicant obtained a one month extension of
time. Accompanying the petition were: (1) a declaration of facts
by Attorney James E. Parsons, describing the efforts to obtain
signatures from inventors Jae Hun Ku and Jae Hak Yee; and (2)
copies of cover letters, signed by Attorney Axel Chan, dated
April 16, 2001 and May 18, 2001.

However, this petition was dismissed in a decision mailed on
December 26, 2001. Petitioner failed to demonstrate that the
nonsigning inventors had been presented with a copy of the
application papers. The decision on petition set a two-month
period for reply.

A Notice of Abandonment was mailed on August 8, 2002 for failure
to timely respond to the Decision on Petition mailed December 26,
2002. On petition, Petitioner has submitted a copy of a USPTO
stamped postcard receipt showing that a "Request for
Reconsideration of Petition Under 37 CFR 1.47(a)" was timely
filed on February 19, 2002.

¹ Supplemented by a facsimile transmission received August 26, 2002.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

In addition, at the time of the writing of this decision, the original "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" stamped February 19, 2002 has been found and entered into the application file.

In view thereof, the Notice of Abandonment is hereby VACATED, and the holding of abandonment is WITHDRAWN.

On renewed petition, petitioner has submitted a declaration executed by inventors Jae Hun Ku and Jae Hak Yee. The declaration has been found to be in compliance with 37 CFR 1.63.

In view of the JOINDER of the inventors, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered to be MOOT. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

The application is being forwarded to the Office of Initial Patent Examination for continuation of pre-examination processing.

Telephone inquiries concerning this decision should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy